



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

May 8, 2019

The Honorable Jerrold Nadler
Chairman
Committee on the Judiciary
United States House of Representatives
Washington, D.C. 20515

Dear Chairman Nadler:

We are disappointed that you have rejected the Department of Justice's request to delay the vote of the Committee on the Judiciary on a contempt finding against the Attorney General this morning. By doing so, you have terminated our ongoing negotiations and abandoned the accommodation process with respect to your April 18, 2019, subpoena of confidential Department of Justice materials related to the investigation conducted by Special Counsel Robert S. Mueller, III. As we have repeatedly explained, the Attorney General could not comply with your subpoena in its current form without violating the law, court rules, and court orders, and without threatening the independence of the Department of Justice's prosecutorial functions. Despite this, we have attempted to engage with the Committee in good faith in an effort to accommodate your stated interest in these materials. Unfortunately, rather than allowing negotiations to continue, you scheduled an unnecessary contempt vote, which you refused to postpone to allow additional time for compromise.

Accordingly, this is to advise you that the President has asserted executive privilege over the entirety of the subpoenaed materials. As I indicated in my letter to you last night, this protective assertion of executive privilege ensures the President's ability to make a final decision whether to assert privilege following a full review of these materials. *See Protective Assertion of Executive Privilege Regarding White House Counsel's Office Documents*, 20 Op. O.L.C. 1 (1996) (opinion of Attorney General Janet Reno). Regrettably, you have made this assertion necessary by your insistence upon scheduling a premature contempt vote.

Sincerely,

A blue ink signature of Stephen E. Boyd.

Stephen E. Boyd
Assistant Attorney General

cc: The Honorable Doug Collins
Ranking Member